

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE KAAPUNI,)	CIVIL NO. CV 04-00449 SOM
et. al.,)	LEK
)	
Plaintiffs,)	
)	MEMORANDUM IN SUPPORT OF
vs.)	COUNTY DEFENDANTS' BILL OF
)	COSTS
CARLTON HELM, et. al.,)	
)	
Defendants.)	
)	

MEMORANDUM IN SUPPORT OF COUNTY DEFENDANTS' BILL OF COSTS

Defendants Carlton Helm, Harold Manaois, Kaena Brown, Jamie Winfrey, Kelly Arlos, and Christina Williams, (hereinafter "County Defendants"), by and through their attorneys, Brian T. Moto, Corporation Counsel, and Moana M. Lutey, Deputy Corporation Counsel, hereby submit their memorandum in support of their Bill of Costs.

On August 11, 2004, Plaintiffs Barbara Kalanikiekie Kaapuni, Jon Hans Kaapuni, Sr., Pamela Noholani Kaapuni, Jon Hans Kaapuni, Jr., Fallon Kalanikiekie Kaapuni, and Tyrah Noholani Kaapuni by her best friend Jon Hans Kaapuni, Sr., (hereinafter "Plaintiffs") filed their First Amended Complaint in the United States District Court for the District of Hawaii.¹ Plaintiffs' First Amended Complaint was founded on a claim of inadequate training and supervision

¹County Defendants were served only with the First Amended Complaint.

against the County of Maui and the deprivation of constitutional rights under 42 U.S.C. § 1983 and the First and Fourth Amendments to the U.S. Constitution.

On May 11, 2005, County Defendants filed a Motion for Summary Judgment pursuant to Rule 7(b) and Rules 56(b) and (c) of the Federal Rules of Civil Procedure, as well as a Concise Statement of Facts in Support of their Motion for Summary Judgment.

On August 11, 2005, Plaintiffs filed their Memorandum in Opposition to County Defendants' Motion for Summary Judgment as well as a Separate Concise Statement of Facts in Support of their Memorandum in opposition to Defendants' County Motion for Summary Judgment. No oral argument was made on this motion.

On August 26, 2005, the Court issued an Order Granting in Part Defendants' Motion for Summary Judgment; Order Continuing Hearing on Remaining Part of Motion and Continuing Trial Date. The Order dismissed all claims against the County of Maui and scheduled a hearing on the remaining issues for September 12, 2005.

On September 19, 2005, the Court issued an Order Granting in Part and Denying in Part Defendants' Motion for Summary Judgment. The only remaining claims involved Plaintiffs' claim of unnecessary property damage during execution of the search warrant.

County Defendants filed a second Motion for Summary Judgment on November 28, 2005. Oral argument was heard on January 17, 2006. On the same date, the Court issued an Order Granting in Part and

Denying in Part Defendants' Motion for Summary Judgment. The only remaining claim against County Defendants was for damage to the Plaintiffs' sliding glass door.

On June 14, 2006, a jury trial was held. At the close of Plaintiffs' case, County Defendants' Motion for Judgment as a Matter of Law was granted. Judgment was entered in favor of County Defendants on June 16, 2006.

Documentation supporting the above itemization of requested costs for all categories is attached hereto as Exhibits "A" - "G".

Rule 54(d)(1) of the Federal Rules of Civil Procedure and Local Rule 54.2(a) of the United States District Court for the District of Hawaii provide the prevailing party in whose favor judgment is entered is entitled to costs. The costs requested are allowed under 28 U.S.C. §§ 1920-1925 and Local Rule 54.2(f) of the United States District Court for the District of Hawaii. In accordance with the Federal and Local Rules, County Defendants, as the prevailing party, respectfully request this Court to grant the attached bill of costs.

DATED: Wailuku, Maui, Hawaii, June 30, 2006.

BRIAN T. MOTO
Corporation Counsel
Attorney for County Defendants

By /s/ Moana M. Lutey
MOANA M. LUTEY
Deputy Corporation Counsel